

Notice of Allowability

Application No.

10/712,581

Applicant(s)

BRANDON ET AL.

Examiner

Art Unit

Tam Nguyen

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 11/12/03.

2. The allowed claim(s) is/are 7-13.

3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of the:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) hereto or 2) to Paper No./Mail Date _____.

(b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)

2. Notice of Draftperson's Patent Drawing Review (PTO-948)

3. Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____

4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. Notice of Informal Patent Application

6. Interview Summary (PTO-413),
Paper No./Mail Date 3/15/07.

7. Examiner's Amendment/Comment

8. Examiner's Statement of Reasons for Allowance

9. Other

JEROME DONNELLY

PRIMARY EXAMINER

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael M. Gerardi on Wednesday, March 14, 2007.

1. The application has been amended as follows:

In the Specification:

On Page 4, in line 15, delete "is less than" and insert --is more than--.

On Page 12, in line 29, delete "weight rack 144" and insert --weight rack 149--.

In the Claims:

Claims 1-6 are canceled.

In claim 7, on line 1, delete "human" and insert --person--.

In claim 7, on line 8, delete "vibrating unit affixed to said pad, said vibrating unit" and insert --signal means affixed to said pad, said signal means--.

In claim 7, on line 11, delete "is less than" and insert --is more than--.

In claim 7, on line 15, delete "said".

In claim 7, delete all of line 16 and 17 and insert --the lumbar region of the person to be strengthened with said at least one signal means and said detection means,--

In claim 7, on line 18, delete "to contact" and insert --to contact the lumbar region with--.

In claim 7, on line 20, delete "vibrating unit" and insert --signal means--.

In claim 7, on line 23, delete "vibrating unit continues to vibrate" and insert --signal means continues to produce a signal--.

In claim 10, on line 1, delete "human" and insert --person--.

In claim 10, on line 10, delete "to contact" and insert --to contact the lumbar region with--.

In claim 12, on line 1, delete "human user" and insert --person--.

In claim 12, on line 12, delete "ii)" and "the user" and insert --iii)-- and --the person-- respectively.

In claim 12, on line 14, delete "iii)" and "to contact" and insert --iv-- and --to contact the lumbar region with-- respectively.

In claim 12, on line 18, delete "iv)" and insert --v)--.

In claim 12, on line 20, delete "v)" and insert --vi)--.

In claim 12, on line 21, delete "vi)" and insert --vii)--.

In claim 12, on line 22, delete "vii)" and insert --viii)--.

In claim 12, on line 24, delete "viii)" and insert --ix)--.

In claim 13, on line 1, delete "human user" and insert --person--.

In claim 13, on line 12, delete "ii)" and "the user" and insert --iii)-- and --the person-- respectively.

In claim 13, on line 14, delete "iii)" and "said contact and" and insert --iv)-- and --said contact of the person's back to the pad and-- respectively.

In claim 13, on line 16, delete "iv)" and insert --v)--.

In claim 13, on line 16, delete "v)" and insert --vi)--.

In claim 13, delete all of lines 19-20 and insert

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--vii) said output device displaying said weight applied to said pad, and the user alters said contact with said apparatus when said weight displayed on said output device is less than said predetermined weight.--

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

2. In view of the amendments and after careful consideration of the invention, the claims as presented avoid the prior art of record. The prior art does not disclose a method for strengthening a person's abdomen and lower back that includes contacting the person's back to a pad that has a system that provides an immediate feedback to the person during exercise to let the person know if he are exercising properly. In particular, the method includes contacting a person's lower back to a pad having an adjustable head rest, a detection means and a signal means wherein the person simultaneously adjusts the head rest to properly support the person's head and he aligns his lumbar region with the detection means and the signal means and then he compresses his lumbar region to contact the detection means. When the detection means senses that a weight has been applied, and that weight exceeds a predetermined weight, the signal means is activated to produce a signal as long as the exceeding weight is applied. While the person is maintaining the weight to activate the signal, he is also compressing and relaxing his abdomen. This method allows for a person to properly exercise his core muscles.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Harris '176 discloses a pad having an audible alarm that goes off when a person exhibits poor posture which in turn puts pressure on the pad.

Possick '1694 discloses a pad having a warning device that goes off when a person puts pressure on the pad due to poor form while using a keyboard.

Abraham-Fuchs et al. '351 disclose a method and system for monitoring the posture of a person during training.

Abramson '543 discloses an apparatus for monitoring the condition of stomach muscles wherein an alarm is triggered when a person does not adequately contract their stomach muscles.

Cleveland et al. '271 disclose an alert system to encourage a muscle-flexing regimen.

Barrus '301 discloses a system for measuring and reporting the posture of a person.

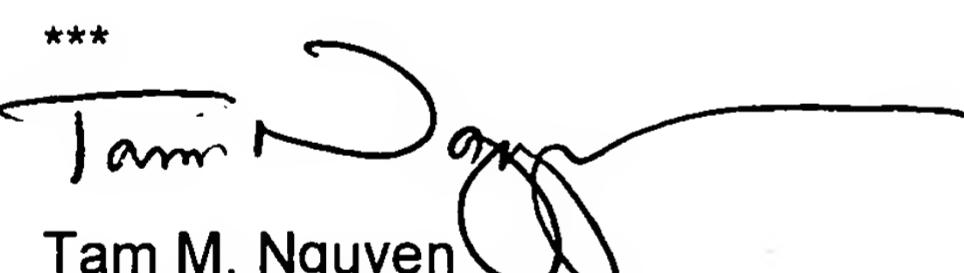
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam Nguyen whose telephone number is 571-272-4979. The examiner can normally be reached on M-F 9-5.

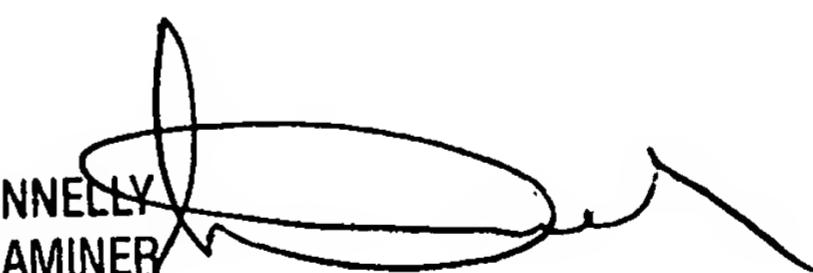
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cary O'Connor can be reached on 571-272-4715. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

March 14, 2007


Tam M. Nguyen
Examiner
Art Unit 3764


JEROME DONNELLY
PRIMARY EXAMINER